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**REGISTERED PATENT AGENT
OUR FILE NO.
MCRVT-023C

FACSIMILE COVER SHEET

Date: October 21, 2004

To: Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Facsimile: 703-872-9306

Re: U.S. Patent Application No. 09/758,832
Applicant: Horton
Title: Insitu Formable and Self-Forming Intravascular Flow Modifier (IFM), Catheter
and IFM Assembly and Method for Deployment of Same

From: Robert D. Buyan

Total Number of Pages: 10 (including this form). Please notify us immediately if you have not received all pages.

Message:

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I hereby certify that this correspondence for Serial No. 09/758,832 is being facsimile transmitted to the Mail Stop Amendment, Commissioner for Patents at (703) 872-9306 on October 21, 2004.

Name of person sending facsimile: Francine Sanders, Assistant to Robert D. Buyan

Signature: 

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Attorney Docket No.: MCRVT-023C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Horton)

Art Unit: 3731

Application No. 09/758,832)

Examiner: Thaler, M.

Filed: January 11, 2001)

For: Insitu Formable and Self-Forming)
Intravascular Flow Modifier (IFM),)
Catheter and IFM Assembly, and Method)
for Deployment of Same)RECEIVED
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Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450Transmittal Letter

Dear Sir:

- ☐ In accordance with Rule 136, the Commissioner is hereby petitioned for a __ () month extension of time, extending to __, 2004 the period for response to the Office action dated **October 14, 2004**.
- ☐ Enclosed is a certified copy of Serial No. _____ from which priority is claimed in the subject case pursuant to 37 CFR § 1.55b and 35 U.S.C. § 119.
- ☐ Enclosed is an Assignment of the invention to [Assignee], including a cover sheet and Check No. [Assignment Check No.] for \$40.
- ☐ A Declaration of Inventorship and Limited Power of Attorney is enclosed.
- ☒ Enclosed herewith is a Revised Amendment and Response to Notice of Non-Complaint amendment. Entry and consideration of this amendment is requested.


- ☐ Check No. --- is enclosed covering the additional filing fees in the amount of \$0.00, with the fees calculated as follows:

	(Col. 1) Claims Highest No. Remaining After Amendment	(Col. 2) Present Previously Paid For	(Col. 3) Additional Extra	Small Entity Rate	Additional Fee	Other than a Small Entity Rate	Fee
Total claims	16	- 20 =	0	x 9 \$	Or x 18 \$		
Independent claims	2	- 2 =	0	x 42 \$	Or x 84 \$		
First presentation of multiple dependent claims				+ 140 \$	Or + 280 \$		
				Total \$	Or Total \$		

- ☒ The Commissioner is hereby authorized to charge any underpayment and credit any overpayment of the filing fees required under 37 CFR § 1.16 and any patent application processing fees required under 37 § CFR 1.17 to Deposit Account No. 50-0878.

Respectfully submitted,
Stout, Uxa, Buyan & Mullins, LLP

Date: October 21, 2004


Robert D. Buyan, Reg. No. 32,460

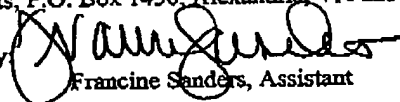
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Irvine, CA 92618
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I hereby certify that this correspondence is being transmitted by facsimile to (703) 872-9306 addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 21, 2004.

Dated: October 21, 2004

By


Francine Sanders, Assistant

Attorney Docket No. MCRVT-023C

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**REVISED AMENDMENT
AND
RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**

Sir:

This response to the Failure to Acceptably Respond to Notice of Non-Compliant Amendment dated October 14, 2004. To advance prosecution of this application without further delay, please substitute the following for the previously filed amendment/response:

Amendments to the Claims are reflected in the listing of claims begins on page 2 of this paper.

Remarks/Arguments begin on page 7 of this paper.

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